The land to be condemned had been dedicated to the use of the city and accepted as such in 1789 by a platting and sale of lots. This situation presented a contract obligation. Admitting that "there enters into every engagement the unwritten condition that it is subordinate to the right of appropriation to a public use," *West River Bridge Co.* v. *Dix,* 6 How. 507, 12 L. Ed. 535; *Long Island Water Supply Co.* v. *Brooklyn,* 166 U. S. 685, 692, 41 L. Ed. 1165; yet it was contended that the right of appropriation possessed by the State of Ohio was limited by the Ordinance of 1787. Consequently the statute, if violating that ordinance impaired the obligation of a contract. The error lay in not recognizing that each State on entering the union, came in stripped of such possible limitations because necessarily clothed with full sovereign powers like those possessed by the other States. *Escanaba & L. M. Transp. Co.* v. *Chicago,* 107 U. S. 678, 688, 27 L. Ed. 442, 446; *Coyle* v. *Smith,* 221 U. S., 559, 55 L. Ed. 853. Among these powers is that of eminent domain. Unless, therefore, Ohio has adopted the ordinance, it did not limit the power in that direction. Even assuming that the clause of the ordinance entered into the contract, that clause was not a grant, but rather a limitation upon the eminent domain power possessed by the territory as such, because of the enactment of and during the period of existence of the Ordinance itself.

CONSTITUTIONAL LAW—SPECIAL LEGISLATION—AUTOMOBILES.—A statute provided that "all civil actions for damages arising from the use and operation of any motor vehicle, * * * may be brought in the city or county in which the alleged damages are sustained, and service of process may be made by the sheriff of the county where the suit is brought, deputizing the sheriff of the county wherein the defendant in the suit, or his registered agent, resides, or where service may be had upon him, * * * in like manner as process may now be served in the proper county." Plaintiff brought an action in X county to recover damages for injuries caused by the negligence of defendant in driving his motor vehicle on a public highway in that county. The sheriff of X county deputized the sheriff of Y county, wherein defendant resides, to serve the writ of summons, and the sheriff of Y county made a return of service which is in all respects regular. Defendant appeals from judgment for plaintiff on the ground that the act under which the sheriff of X county deputized the sheriff of Y county to serve the summons is unconstitutional. *Held,* that the act in question is not objectionable for inequality, since persons who own, use, or operate automobiles may properly be classed together. *Garrett* v. *Turner* (Penn. 1912), 84 Atl. 354.

An arbitrary classification will not be sustained, *Gulf, Colorado & Santa Fe Ry. Co.* v. *Ellis,* 165 U. S. 150, but a classification having a rational basis is valid. *Barbier* v. *Connolly,* 113 U. S. 27. Trades, occupations and professions are proper subjects of classification. *Wheeler* v. *Philadelphia,* 77 Pa. 338. The classification in the principal case is justified by PORTER, J., as follows: "The operator of a motor vehicle, whose negligence has caused an injury on a public highway in a county other than that in which he has his place of residence, may not only at the time quickly withdraw from the county where the injury has been inflicted, but the speed at which he is able

to move along the roads would permit him to subsequently revisit that county at his pleasure, without any risk of being served with legal process while he was within its boundaries." A statute requiring automobile owners who are non-residents to consent to service of process upon the secretary of State, as service upon them personally, was held valid in *Cleary* v. *Johnston*, 79 N. J. L. 49, 74 Atl. 538, 8 MICH. L. REV. 417.

CORPORATIONS—ISSUE OF STOCK—CORPORATION OF TWO STATES.—Defendant corporation was organized under the laws of Missouri and the laws of Ohio. By the laws of Missouri preferred stock could not be issued without the consent of all the stockholders. By the laws of Ohio consent of a majority only was necessary. A meeting of the stockholders was called in Ohio, and an act of the directors in issuing preferred stock was ratified by a majority of the stockholders. This act was attacked by a stockholder in the New York courts. *Held*, the corporate acts had to conform to all the laws under which the corporation was empowered to act, and, since the laws of Missouri required the consent of all the stockholders, the issue of preferred stock was illegal. *Pollitz* v. *Wabash R. Co. et al.* (N. Y. 1912) 135 N. Y. Supp. 785.

In a very able and interesting article, in 4 COL. L. REV. 391, on the subject, "Corporations of two States," Professor BEALE states this same principle as a well settled rule of law. To the same effect are the following authorities: 4 COOK, CORP. (Ed. 6), § 910; 4 THOMPSON, CORP. (Ed. 2), § 3558; 2 CLARK & MARSHALL, CORP., § 362 f; *State of Maryland* v. *Northern Central Ry. Co.*, 18 Md. 193, 213; *Fisk* v. *Chicago, Rock Island & Pacific R. R. Co.*, 53 Barb. 513. It is doubtless true that the rule would be applied in the State where the limitation on the power of the corporation existed, and might be applied in a State where the company was not incorporated; but it may be doubted whether the rule would be applied in a State where the company was also incorporated and where no such limitation on its powers existed. ELLIOTT, RAILROADS, § 27; *Atwood* v. *Shenandoah Valley R. Co.*, 85 Va. 966, 9 S. E. 748, 38 Am. & Eng. R. R. Cas. 534; *Muller* v. *Dows*, 94 U. S. 444.

COURTS—JURISDICTION—DAMAGE TO REAL PROPERTY WITHOUT THE STATE—NEGLIGENCE.—Defendant negligently operated a locomotive, while passing plaintiff's real property in New Jersey, thereby setting fire to and damaging the premises, for which injury plaintiff seeks redress in the New York courts. *Held*, (by a divided court) that an action in trespass on the case sounding in negligence, for injury to real property is a local action and therefore cannot be prosecuted in the New York courts but must be maintained in the jurisdiction where the real property is located. *Brisbane* v. *Pennsylvania R. Co.* (N. Y. 1912) 98 N. E. 752.

The rule as stated by the majority opinion is in full accord with the weight of authority both in this country and in England: *Livingston* v. *Jefferson*, 1 Brock. 203, Fed. Cas. No. 8, 411; *DuBreuil* v. *Pennsylvania Co.*, 130 Ind. 137, 29 N. E. 109; *Bettys* v. *Milwaukee and St. P. R. Co.*, 37 Wis. 323; *Morris* v. *Missouri Pac. R. Co.*, 78 Tex. 17; 14 S. W. 228, 9 L. R. A. 349; *Missouri Pac. R. Co.* v. *Cullers*, 81 Tex. 382, 17 S. W. 19, 13 L. R. A. 542; note to *Smith* v. *Southern* R. R., 26 L. R. A. (N. S.) 928; *Doulson* v.